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THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT

Patent Application
Docket No. UF-378C1
Serial No. 10/678,506

June 21, 2005

Margaret H. Efron, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard J. Melker, Ronald L. Hayes, Ka-Wang Kevin Wang, and
Donn Michael Dennis
Serial No. : 10/678,506
Filed : October 2, 2003
Examiner : Jacqueline A. DiRamio
Art Unit : 1641
Conf. No. : 1941
For : Novel Application of Nanotechnology and Sensor Technologies for
Ex-vivo Diagnostics

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.56, 1.97, AND 1.98

Sir:

In accordance with 37 C.F.R. §§1.56, 1.97, and 1.98 the references on the attached form PTO/SB/08 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. For the examiner's convenience, full text copies of the non-patent literature documents and a copy of the first page of the cited

foreign patent documents are also enclosed. A full-text copy of U.S. Patent Application No. 09/708,789 is also provided herewith. The Applicants further note that German Patent Application No. DE 29902593, European Patent Application No. 0979997, Japanese Patent Application Nos. JP 08313407 and JP 09196915, and Russian Patent Application No. RU 2104535 cited as F1, F3, F7, F8, and F9, respectively, on the attached Form PTO/SB/08 are written in a foreign language. However, English language abstracts are provided for each of these foreign patent documents.

This information is being submitted subsequent to the later of three months after the filing date of the present application or the mailing of the first Office Action, but before the mailing of a Final Action or the Notice of Allowance. Please charge the fee of \$180.00 to Deposit Account No. 19-0065.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08 with initials or other appropriate marks. The applicants assert that the substantive provisions of 37 C.F.R. §§1.56, 1.97, and 1.98 are met by the foregoing statement.

Respectfully submitted,



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MHE/lj

Attachments: Form PTO/SB/08
Copies of references listed



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 7

Complete if Known

Application Number	10/678,506
Filing Date	October 2, 2003
First Named Inventor	Richard J. Melker
Group Art Unit	1641
Examiner Name	Jacqueline A. DiRamio
Attorney Docket Number	UF-378C1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Code ²	Kind (if known)			
	U1	3,792,272		02-12-1974	Harte <i>et al.</i>	
	U2	3,649,199		03-14-1972	Littlejohn	
	U3	3,951,607		04-20-1976	Fraser	
	U4	4,150,670		04-24-1979	Jewett <i>et al.</i>	
	U5	4,215,409		07-29-1980	Strowe	
	U6	4,314,564		02-09-1982	Albarda	
	U7	4,346,584		08-31-1982	Boehringer	
	U8	4,432,226		02-21-1984	Dempster	
	U9	4,456,014		06-26-1984	Buck <i>et al.</i>	
	U10	4,735,777		04-05-1988	Mitsui <i>et al.</i>	
	U11	4,796,639		01-10-1989	Snow <i>et al.</i>	
	U12	4,868,545		09-19-1989	Jones	
	U13	5,003,985		04-02-1991	White <i>et al.</i>	
	U14	5,082,630		01-21-1992	Partin <i>et al.</i>	
	U15	5,094,235		03-10-1992	Westenskow <i>et al.</i>	
	U16	5,111,827	A	05-12-1992	Rantala	
	U17	5,167,972	A	12-01-1992	Greenberg <i>et al.</i>	
	U18	5,296,706	A	03-22-1994	Braig <i>et al.</i>	
	U19	5,303,575	A	04-19-1994	Brown <i>et al.</i>	
	U20	5,317,156	A	05-31-1994	Cooper <i>et al.</i>	
	U21	5,361,771	A	11-08-1994	Craine <i>et al.</i>	
	U22	5,409,839	A	04-25-1995	Balestrieri <i>et al.</i>	
	U23	5,425,374	A	06-20-1995	Ueda <i>et al.</i>	
	U24	5,447,165	A	09-05-1995	Gustafsson	
	U25	5,453,359	A	09-26-1995	Gargan <i>et al.</i>	
	U26	5,465,608	A	11-14-1995	Lokshin <i>et al.</i>	
	U27	5,466,700	A	11-14-1995	Batenhorst <i>et al.</i>	

Examiner
SignatureDate
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/678,506	
			Filing Date	October 2, 2003	
			First Named Inventor	Richard J. Melker	
			Group Art Unit	1641	
			Examiner Name	Jacqueline A. DiRamio	
Sheet	2	of	7	Attorney Docket Number	UF-378C1

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Examiner Initials*	Cite No. ¹	U.S. Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Code ²	Kind (if known)			
	U28	5,495,744	A	03-05-1996	Ueda <i>et al.</i>	
	U29	5,501,212	A	03-26-1996	Psaros	
	U30	5,558,083	A	09-24-1996	Bathe <i>et al.</i>	
	U21	5,560,352	A	10-01-1996	Heim <i>et al.</i>	
	U32	5,571,401	A	11-05-1996	Lewis <i>et al.</i>	
	U33	5,573,005	A	11-12-1996	Ueda <i>et al.</i>	
	U34	5,573,955	A	11-12-1996	Khanna <i>et al.</i>	
	U35	5,634,517	A	06-03-1997	Linden <i>et al.</i>	
	U36	5,716,852	A	02-10-1998	Yager <i>et al.</i>	
	U37	5,771,890	A	06-30-1998	Tamada	
	U38	5,776,783	A	07-07-1998	Kell	
	U39	5,795,787	A	08-18-1998	Silkoff <i>et al.</i>	
	U40	5,801,297	A	09-01-1998	Mifsud <i>et al.</i>	
	U41	5,826,577	A	10-27-1998	Perroz <i>et al.</i>	
	U42	5,866,434	A	02-02-1999	Massey <i>et al.</i>	
	U43	5,891,398	A	04-06-1999	Lewis <i>et al.</i>	
	U44	5,925,014	A	07-20-1999	Teeple Jr.	
	U45	5,928,167	A	07-27-1999	Wagner <i>et al.</i>	
	U46	5,932,877	A	08-03-1999	Braig <i>et al.</i>	
	U47	5,958,896	A	09-28-1999	Renshaw <i>et al.</i>	
	U48	5,962,335	A	10-05-1999	Katzman	
	U49	6,007,775	A	12-28-1999	Yager	
	U50	6,025,200	A	02-15-2000	Kaish <i>et al.</i>	
	U51	6,074,345	A	06-13-2000	Van Oostrom <i>et al.</i>	
	U52	6,094,681		07-25-2000	Shaffer <i>et al.</i>	
	U53	6,097,485	A	08-01-2000	Lievan	
	U54	6,120,443	A	09-19-2000	Cohen-Laroque	
	U55	6,131,571	A	10-17-2000	Lampotang <i>et al.</i>	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

3

of

7

Complete if Known

Application Number	10/678,506
Filing Date	October 2, 2003
First Named Inventor	Richard J. Melker
Group Art Unit	1641
Examiner Name	Jacqueline A. DiRamio
Attorney Docket Number	UF-378C1

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		Number Code ²	Kind (if known)			
	U56	6,180,414	B1	01-30-2001	Katzman	
	U57	6,186,977	B1	02-13-2001	Andrews <i>et al.</i>	
	U58	6,216,690	B1	04-17-2001	Keitel <i>et al.</i>	
	U59	6,234,006	B1	05-22-2001	Sunshine <i>et al.</i>	
	U60	6,237,397	B1	05-29-2001	Shinar <i>et al.</i>	
	U61	6,251,082	B1	06-26-2001	Rayburn	
	U62	6,264,913	B1	07-24-2001	Wagner	
	U63	6,277,081	B1	08-21-2001	Susi <i>et al.</i>	
	U64	6,283,953	B1	09-04-2001	Ayer <i>et al.</i>	
	U65	6,328,708	B1	12-11-2001	Georgieff	
	U66	6,341,520	B1	01-29-2002	Satoh <i>et al.</i>	
	U67	6,416,479	B1	07-09-2002	Seidman	
	U68	6,455,319	B1	09-24-2002	Lewis <i>et al.</i>	
	U69	6,467,333	B2	10-22-2002	Lewis <i>et al.</i>	
	U70	6,511,453	B2	01-28-2003	Georgieff	
	U71	6,558,626	B1	05-06-2003	Aker <i>et al.</i>	
	U72	6,589,727	B1	07-08-2003	Klenerman <i>et al.</i>	
	U73	6,597,438	B1	07-22-2003	Cabuz <i>et al.</i>	
	U74	6,598,459	B1	07-29-2003	Fu	
	U75	6,599,253	B1	07-29-2003	Baum <i>et al.</i>	
	U76	6,599,281	B1	07-29-2003	Struys <i>et al.</i>	
	U77	6,620,800	B1	09-16-2003	Roberts II	
	U78	6,631,333	B1	10-07-2003	Lewis <i>et al.</i>	
	U79	6,727,075	B2	04-27-2004	Fitzgerald <i>et al.</i>	
	U80	6,755,783	B2	06-29-2004	Cosentino <i>et al.</i>	
	U81	2001/0041366	A1	11-15-2001	Lewis <i>et al.</i>	
	U82	2001/0021815	A1	09-13-2001	Katzman <i>et al.</i>	
	U83	2001/0050228	A1	12-13-2001	Jaeger	
	U84	2001/0055544	A1	12-27-2001	Copp	
	U85	2002/0007687	A1	01-24-2002	Zimmermann <i>et al.</i>	
	U86	2002/0014236	A1	02-07-2002	Dittmann <i>et al.</i>	

Examiner
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			Filing Date	October 2, 2003	
			First Named Inventor	Richard J. Melker	
			Group Art Unit	1641	
			Examiner Name	Jacqueline A. DiRamio	
Sheet	4	of	7	Attorney Docket Number	UF-378C1

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		Number Code ²	Kind (if known)			
	U87	2002/0017300	A1	02-14-2002	Hickle <i>et al.</i>	
	U88	2002/0173729	A1	11-21-2002	Viertio-Oja <i>et al.</i>	
	U89	2003/0004426	A1	01-02-2003	Melker <i>et al.</i>	
	U90	2003/0008407	A1	01-09-2003	Fu	
	U91	2003/0087239	A1	05-08-2003	Stanton <i>et al.</i>	
	U92	2003/0216660	A1	11-20-2003	Ben-Oren <i>et al.</i>	
	U93	2004/0027246	A1	02-12-2004	Aguglia	
	U94	2004/0101477	A1	05-27-2004	Leyland-Jones	
	U95	2005/0065446	A1	03-24-2005	Talton	
	U96	09/708,789 (Application No.)		11-08-2000 (Date Filed)	Lampotang <i>et al.</i>	
	U97					
	U98					
	U99					
	U100					
	U101					
	U102					
	U103					
	U104					
	U105					
	U106					
	U107					
	U108					
	U109					
	U110					
	U111					

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		Code ⁵ Office ³ <i>(if known)</i>	Kind Number ⁴ <i>(if known)</i>				
	F1		DE 29902593 (English Abstract)	Genzyme Virotech GmbH	08-26-1999		
	F2		EP 0 370 151	A1	L'Air Liquide, S. A.	05-30-1990	
	F3		EP 0 979 997 (English Abstract)	A1	Siemens AG	02-16-2000	
	F4		GB 829,409	A	Governors of the United Birmin	03-02-1960	
	F5		GB 2 309 166	A	Cleansharp Limited	07-23-1997	
	F6		GB 2 329 245	A	Cavkit Limited	03-17-1999	
	F7		JP 08313407 (English Abstract)	A	Suzuki Motor Corp.	11-29-1996	
	F8		JP 09196915 (English Abstract)	A	Otsuka Pharmaceut Co. Ltd.	07-31-1997	
	F9		RU 2104535 C1 (English Abstract)		Kogan <i>et. al.</i>	02-10-1998	
	F10		WO 87/02773	A1	Autosense Corp.	05-07-1987	
	F11		WO 92/10749	A1	Novapure Corporation	06-25-1992	
	F12		WO 95/08113	A1	Alpha M.O.S.	03-23-1995	
	F13		WO 95/31718	A1	Forschungszentrum Karlsruhe GmbH	11-23-1995	
	F14		WO 99/12471	A3	Oridion Medical Ltd.	03-18-1999	
	F15		WO 99/66304	A1	California Institute of Technology	12-23-1999	
	F16		WO 00/25108	A1	Copp Life Systems	05-04-2000	
	F17		WO 00/67820	A1	Aneo AB	11-16-2000	
	F18		WO 01/34024	A1	University of Florida	05-17-2001	

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	F19		WO 01/93743	A2	Healthtech, Inc.	12-13-2001
	F20		WO 03/045473	A1	Mufa Ag	06-05-2003

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS			
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	R2	FRAUENDORF <i>et al.</i> , "Detection of Small Organic Analytes by Fluorescing Molecular Switches," <i>Bioorganic & Medicinal Chemistry</i> 9, (2001), pp. 2521-2524.	
	R3	FUJITA <i>et al.</i> , "A Simple Method for Detecting Plasma Propofol," <i>Anesth. Analog.</i> , 2000, 90:1452-1454.	
	R4	HAMMON III, W. S. <i>et al.</i> , "Forensic GPR: Finite-Difference Simulations of Responses From Buried Human Remains," <i>Journal of Applied Geophysics</i> , (2000), 45:171-186.	
	R5	HUANG <i>et al.</i> , "Depth of Anesthesia Estimating & Propofol Delivery System," Aug. 1, 1996, http://www.rpi.edu/~royr/roy_descpt.html .	
	R6	JAYASENA, "Aptamers: An Emerging Class of Molecules That Rival Antibodies in Diagnostics," <i>Clinical Chemistry</i> , 1999, 45(9):1628-1650.	
	R7	KENNY, "Target-Controlled Infusions—Pharmacokinetic and Pharmacodynamic Variations," http://www.anaesthesiologie.med.uni-erlangen.de/esctaic97/a_kenny.htm .	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/678,506	
			Filing Date	October 2, 2003	
			First Named Inventor	Richard J. Melker	
			Group Art Unit	1641	
			Examiner Name	Jacqueline A. DiRamio	
Sheet	7	of	7	Attorney Docket Number	UF-378C1

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	R12	KUIPERS <i>et al.</i> , "First-pass Lung Uptake and Pulmonary Clearance of Propofol," <i>Anesthesiology</i> , (1999), 91:1780-1787.	
	R13	MILLER III, E. R. <i>et al.</i> , "Association Between Cigarette Smoking and Lipid Peroxidation in a Controlled Feeding Study," <i>Circulation</i> , (1997), 96(4):1097-1101.	
	R14	PHILLIPS, M., "Breath Tests in Medicine," <i>Scientific American</i> , 1992, pages 52-57.	
	R15	Pilar Kraman, "Prescription Drug Diversion," <i>Trends Alert</i> provided by the Council of State Government at www.csg.org (April 2004).	
	R16	STUART, B. H. <i>et al.</i> , "Studies of Adipocere Using Diffuse Reflectance Infrared Spectroscopy," <i>Vibrational Spectroscopy</i> , 24:233-242, (2000).	
	R17	STUBBS, D. D. <i>et al.</i> , "Investigation of Cocaine Plumes Using Surface Acoustic Wave Immunoassay Sensors," <i>Anal. Chem.</i> , 75:6231-6235, (2003).	
	R18	U.S. FOOD AND DRUG ADMINISTRATION, "FDA White Paper, Protecting the Public Health: FDA Pursues and Aggressive Enforcement Strategy," www.fda.gov/oc/whitepapers/enforce.html (06-30-2003).	
	R19	U.S. FOOD AND DRUG ADMINISTRATION, "New FDA Initiative to Combat Counterfeit Drugs," www.fda.gov/oc/initiatives/counterfeit/backgrounder.html (07-02-2004).	
	R20	UNITED STATES DEPARTMENT OF JUSTICE, "Review of the Drug Enforcement Administration's (DEA) Control of the Diversion of Controlled Pharmaceuticals," Report Number I-2002-010 www.usdoj.gov/oig/inspection/DEA/0210/background.htm (September 2002).	
	R21	VASS, A., "Beyond the Grave – Understanding Human Decomposition," <i>Microbiology Today</i> , Nov. 2001, 28:190-192.	
	R22	VASS, A. <i>et al.</i> , "Decomposition Chemistry of Human Remains: A New Methodology for Determining the Postmortem Interval," <i>J. Forensic Sci.</i> , (2002), 47(3):542-553.	
	R23	VASS, A. <i>et al.</i> , "Detection of Buried Human Remains Using Bioreporter Fluorescence," U.S. Dept. of Energy Report, Y/NSP-726 (2001).	

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